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Attorneys for Defendant  
SMITH'S FOOD & DRUG CENTERS, INC.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NICOLE DI IORIO, an individual,  
Plaintiff

vs.

SMITH'S FOOD & DRUG CENTERS, INC.  
a Foreign Corporation, dba SMITH'S FOOD  
& DRUG CENTER #372; M706 KROGER  
WEST, an unknown entity; DOE  
INDIVIDUAL GROCERY STORE OWNER,  
I through X, inclusive; ROE ENTITY  
GROCERY STORE OWNER, I through X,  
inclusive; DOE INDIVIDUAL GROCERY  
STORE LANDOWNERS, I through X,  
inclusive; ROE ENTITY GROCERY STORE  
LANDOWNERS, I through X, inclusive; DOE  
INDIVIDUAL MAINTENANCE  
CONTRACTORS, I through X; inclusive;  
ROE ENTITY MAINTENANCE  
CONTRACTORS, I through X, inclusive;  
DOES INDIVIDUALS I through X, inclusive;  
and ROE ENTITIES I through X, inclusive

Defendants

Case No. 2:22-cv-00955-CDS-BNW

**STIPULATION FOR DISMISSAL WITH  
PREJUDICE**

WHEREAS, the parties and their counsel agreed upon a full and final settlement of this case  
and all claims asserted therein;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff NICOLE DI  
IORIO, by and through her counsel of record, DAVID L. THOMAS, ESQ. of the law firm G.  
DALLAS HORTON & ASSOCIATES, and Defendant, SMITH'S FOOD & DRUG CENTERS,

INC., by and through its counsel of record, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A. as follows:

1. That this case be dismissed, with prejudice, each party to bear their own fees and costs;
2. That any pending dates on the Court's docket be vacated.

Respectfully submitted this 14th day of March, 2023.

G. DALLAS HORTON & ASSOCIATES

COOPER LEVENSON, P. A.

/s/ David L. Thomas

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NICOLE DI IORIO

/s/ Jerry S. Busby

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**IT IS SO ORDERED.** The Clerk of Court is directed to close this case.

DATED: March 14, 2023

  
UNITED STATES DISTRICT JUDGE